

Hearing Date: November 13, 2018  
Hearing Time: 9:30 a.m.  
Hearing Location: Utica, NY

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK

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IN RE:

Vincent D. Iocovozzi  
Debtor

Chapter 13  
Case No. 13-62035-6-dd

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**REPLY TO RESPONSE OF TRUSTEE**

Vincent D. Iocovozzi (the "Debtor"), by and through his attorney, Carol Malz, Esq., replies to the Response/Affirmation of the Trustee, and states as follows:

1. The Motion for Relief from the Automatic Stay, filed by Herkimer County, was initially heard on October 23, 2018.
2. At that time, no party but the Debtor had filed an objection to the Motion. The Debtor objected to relief as to the two apartment buildings, due to the pending Motions to Sell, sales which would pay off the taxes. The Debtor also asked for a delay in stay relief, which the Court granted at least until November 13, 2018, giving the Debtor time to address the delinquent taxes.
3. The Debtor was fortunately able to get funds together to pay most of the taxes.
4. The taxes on the Herkimer funeral home have not been paid. That property is subject to a mortgage with GPO (which was a refinancing, following the resolution of issues in this Court). The funeral home was destroyed by a fire this summer and, upon information and belief, is fully covered by insurance.
5. The taxes on one of the two apartment buildings are still outstanding. It is expected that the parties will stipulate to a date to close the sale, with the taxes paid off. (The Debtor has provided the Trustee with estimates to repair the two apartment buildings, and is awaiting a response as to whether that is sufficient to address the Trustee's objection to the sales of the two apartment buildings.)
6. The sales will pay off the judgment lien of Morris & Clemm, P.C., a creditor in the bankruptcy as set forth in the Motions to Sell.

7. The Debtor agrees with the Trustee that the stay should remain in place.
8. The Debtor submits that there is no basis for converting the case to Chapter 7. The Debtor has been in Chapter 13 for 58 months and plans to finish his case.

Dated: November 5, 2018

/s/ Carol Malz  
Carol Malz, Esq.  
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